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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,558	04/20/2001	Paul John Rankin	US018042	1278

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EXAMINER
EWART, JAMES D

ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 10/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/839,558	RANKIN ET AL.
	Examiner	Art Unit
	James D Ewart	2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _1-26_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-26_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

　　If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All b)☐ Some * c)☐ None of:

　　　　1.☐ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____ .

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

　　a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _4_ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

U.S. Patent and Trademark Office

PTO-326 (Rev. 04-01)

Office Action Summary

Part of Paper No. 6

Application/Control Number: 09/839,558
Art Unit: 2683

Claim Rejections - 35 USC § 103 ~102~

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

~102(e)~

2.   Claims 1 - 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollenberg

(U.S. Patent No. 6,091,956).

Referring to claim 1, Hollenberg et al teaches a mobile communication device

comprising:a location determination element (Column 5, Lines 20-28); a radio frequency

transceiver connected to said location determination element (Column 5, Lines 20-28); an

electronic memory connected to said transceiver (Column 6, Lines 34-38); a processor connected

to said location determination element (Column 5, Lines 20-21 and Column 6, Lines 31-38), said

transceiver, and said memory; and an output element connected to said processor (Column 5,

Lines 47-50); whereby information regarding resources available at the location of the mobile

communication device may be downloaded to the device (Column 5, Lines 23-24), without a

request from the device (Column 6, Lines 34-38 and Column 24, Lines 42-43), and whereby the

processor can process said information and such processed information is made available at the

output element (Column 6, Line 31-38).

Referring to claim 2, Hollenberg et al teaches wherein said output element is a visual display (Column 5, Line 47-50).

Referring to claim 3, Hollenberg et al teaches wherein said location determination element uses global positioning information (Column 5, Lines 20-23).

Referring to claim 4, Hollenberg et al teaches wherein said memory has an algorithm stored therein (Column 6, Lines 31-38).

Referring to claim 5, Hollenberg et al teaches wherein said algorithm comprises a location prediction algorithm (Column 18, Lines 14-15, 55-56 and Column 19, Lines 30-31).

Referring to claim 6, Hollenberg et al teaches an input element whereby the user can input information into the device and store said information in the memory (Column 5, Lines 13-20).

Referring to claim 7, Hollenberg et al teaches wherein said algorithm comprises a time based algorithm which operates on time preference information (Column 6, Lines 32-34).

Referring to claim 8, Hollenberg et al teaches an input element whereby the user can input time preference selections into the device (Column 15, Line 67; Filter).

Referring to claim 9, Hollenberg et al teaches wherein said algorithm comprises a geographic preference algorithm (Column 6, Lines 36-38).

Referring to claim 10, Hollenberg et al teaches wherein said algorithm comprises a subject matter preference algorithm (Column 15, Line 67; Filter).

Referring to claim 11, Hollenberg et al teaches a communication system comprising: a mobile communication device including a location determination element (Column 5, Lines 20-28); a radio frequency transceiver connected to said location determination element (Column 5, Lines 20-28); a memory connected to said transceiver (Column 6, Lines 34-38); a processor connected to said location determination element, said transceiver, and said memory (Column 5, Lines 20-21 and Column 6, Lines 31-38); and an output connected to said processor (Column 5, Lines 47-50); a location resource server including a memory in which data is stored (Column 15, Lines 64-67), said data pertaining to resources available at selected geographic locations (Column 15, Lines 64-67), said location resource server capable of establishing communication with said mobile communication device (Column 15, Lines 64-67); whereby said location resource server can establish communication with said device and download information to said mobile communication device (Column 15, Lines 64-67), without a request for information from said device (Column 6, Lines 34-38 and Column 24, Lines 42-43), and whereby said device can process such information and output processed information on its output (Column 6, Lines 31-38), said processed information pertaining to resources available at the location of said mobile communication device (Column 6, Lines 31-38).

Referring to claim 12, Hollenberg et al further teaches wherein said device memory includes an algorithm (Column 6, Lines 31-38).

Referring to claim 13, Hollenberg et al further teaches wherein said algorithm includes a location prediction algorithm (Column 18, Lines 14-15, 55-56 and Column 19, Lines 30-31).

Referring to claim 14, Hollenberg et al further teaches wherein said mobile communication device includes an input (Column 5, Lines 13-20).

Referring to claim 15, Hollenberg et al further teaches a time based algorithm for processing information based on time preferences selected by the user on said input (Column 6, Lines 332-34 and Column 15, Lines 67; Filter).

Referring to claim 16, Hollenberg et al further teaches wherein said algorithm includes a geographic preference algorithm (Column 6, Lines 36-38).

Referring to claim 17, Hollenberg et al further teaches wherein said algorithm includes a subject matter preference algorithm (Column 15, Line 67; Filter).

Referring to claim 18, Hollenberg et al further teaches wherein said location determination element uses global positioning information (Column 5, Lines 20-23).

Referring to claim 19, Hollenberg et al teaches a method for supplying geographically based resource information to a mobile communication device comprising: determining the location of said device (Column 15, Lines 20-28): communicating said location to a location resource server (Column 15, Lines 61-67); selecting information based on said communicated determined location (Column 15, Lines 61-67); and downloading said selected information to said device (Column 15, Lines 61-67).

Referring to claim 20, Hollenberg et al further teaches including the step of processing said downloaded information by means of an algorithm stored in said device (Column 6, Lines 31-38).

Referring to claim 21, Hollenberg et al further teaches wherein said algorithm is time based (Column 6, Lines 32-34).

Referring to claim 22, Hollenberg et al further teaches wherein said algorithm is subject matter based (Column 15, Line 67).

Referring to claim 23, Hollenberg et al further teaches wherein said algorithm is geographically based (Column 6, Lines 36-38).

Referring to claim 24, Hollenberg et al further teaches including the step of predicting the future location of said device on the basis of a location prediction algorithm (Column 18, Lines 14-15, 55-56 and Column 19, Lines 30-31).

Referring to claim 25, Hollenberg et al further teaches wherein said location determination step uses global positioning information (Column 5, Lines 20-23).

Referring to claim 26, Hollenberg et al further teaches including the step of visually displaying said processed information (Column 5, Lines 47-50).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Amin et al. U.S. Patent No. 6,353,398 discloses system for dynamically pushing information to a user utilizing global positioning system.

Bandera et al U.S. Patent No. 6,322,127 discloses systems, methods and computer program products for providing time and location specific advertising via the internet.

Bar et al. U.S. Patent Pub. No. 2001/0044309 discloses internet distributed real-time wireless location database.

Bolduc et al. U.S. Patent No. 6,157,841 discloses cellular phone network that provides location-based information.

Guyot et al. U.S. Patent No. 6,119,098 discloses system and method for targeting and distributing advertisements over a distributed network.

Godon et al. European Application No. 00440277 discloses method and apparatus for providing a user of a mobile communication terminal or a group of users with an information message with an adaptive content.

Hutcheson et al. U.S. Patent Pub. No. 2003/0032409 discloses method and system for distributing content over a wireless communications system.

McKenna et al. U.S. Patent No. 6,594,498 discloses communiqué system for cellular communication networks.

Murayama U.S. Patent No. 6,360,164 discloses navigation system.

Rosen et al. U.S. Patent No. 6,014,090 discloses method and apparatus for delivering local information to travelers.

Steele et al. U.S. Patent Pub. No. 2002/0046084 discloses remotely configurable multimedia entertainment and information system with location based advertising.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D Ewart whose telephone number is (703) 305-4826. The examiner can normally be reached on M-F 7am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703)308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-9508 for regular communications and (703)305-9508 for After Final communications.

Application/Control Number: 09/839,558
Art Unit: 2683

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Ewart
September 26, 2003

WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600